

REMARKS

Claims 21-38 are pending in the application.

Claims 21-38 have been rejected.

No Claims have been amended.

New Claim 39 has been added.

I. **INFORMATION DISCLOSURE STATEMENT**

The Office Action has again indicated, citing 37 CFR 1.98, that some of the NPL documents in the information disclosure statement filed 5/3/2004 are not considered because copies of the NPL documents were not submitted. The Applicants submit that copies of the NPL documents listed in the information disclosure statement filed on 5/3/2004 previously were submitted in U.S. Patent Application No. 09/285,558, to which the instant application claims priority. Accordingly, per 37 C.F.R. 1.98, the Applicants respectfully request consideration of the NPL documents. For the convenience of the Examiner, the relevant text of 37 CFR 1.98(d) is set forth below:

* * *

(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- (2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

As set forth in the IDS filed on 5/3/2004, the earlier application is identified and is relied on for an earlier effective filing date. Further, the IDS properly complies with paragraphs (a) through (c) of 37 CFR 1.98.

Accordingly, the IDS is proper and the Office should consider the foreign patents and NPL documents.

However, Applicants are submitting a new IDS herewith which identifies and includes copies of five (5) of the six (6) NPL documents. Applicants have not yet found a copy of one of the NPL documents. Applicants respectfully request the Examiner pull a copy of that document from the parent application.

II. REJECTION UNDER 35 U.S.C. § 103

Claims 21-38 were rejected under 35 U.S.C. § 103 as being unpatentable over Antur et al., (US 6,243,815) (hereinafter “*Antur*”) in view of Wallent et al., (US 6,366,912) (hereinafter “*Wallent*”). The rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable

expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142. In making a rejection, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int’l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

Claims 21-28

Independent Claim 21 recites providing a graphical user interface (GUI) configured to display at least one link for accessing, via the internet, a web-page generated by a web-server associated with a switch offering virtual private network functions.

Applicants respectfully submit that *Antur* fails to disclose a GUI with a link for accessing, via the internet, a web-page generated by a web-server associated with a switch. While *Antur* arguably discloses a firewall having a security policy that limits user access to certain web sites and web pages, in which the firewall is configured to detect and prevent certain activities (*Antur*, Col. 5, lines 42-53), *Antur* does not disclose a GUI configured to display a link to a web-page from a web-server associated with a switch. Even assuming that *Antur*’s firewall is equivalent to a switch (which Applicant contends is incorrect)¹, none of the cited passages of *Antur* disclose or describe a web-server associated with the firewall, where the web-server generates a web-page accessible by a link in provided in a GUI. Not only does *Antur* fail to disclose a GUI to display the link (as conceded

¹ Applicant reiterates and incorporates herein by reference Applicants’ previous response and arguments reasoning that a firewall is not equivalent to Applicant’s switch offering virtual private network functions.

by the office action), but *Antur* also fails to disclose each of the foregoing elements/features as well. Stated in a different manner, nothing in *Antur* discloses a link for accessing, via the internet, a web-page from a web-server associated with switch (*Antur*'s firewall). In simple terms, none of the cited passages in *Antur* disclose, teach or suggest anything similar to a web-page generated by a web-server associated with its firewall.

The Office Action next argues that *Wallent* describes a graphical user interface (GUI) configured to display at least one link (Office Action, page 4), and therefore, it would be obvious to include *Wallent*'s GUI with links to *Antur* invention "for the purpose of providing the network operator to configure the network security devices with ease." *Id.*

Wallent relates to a computer based system and method for providing security zones and is cited for its alleged disclosure of a Web site dialogue window as a graphic user interface configured to display at least one link. Applicants respectfully submit that *Wallent* adds nothing that would remedy the aforementioned deficiencies in *Antur*. *Wallent* does teach a Web site dialog window allowing a user to enter the Web site address (or IP address) of a Web site that the user wants to add (or remove) from a security zone.² However, the cited portions of *Wallent* fail to disclose, teach or suggest a "link", as well as a link displayed in a GUI where the link is operable **for accessing, via the internet, a web-page generated by a web-server associated with a switch.** There simply is no teaching to incorporate such a link into *Antur*, and even if combined, the combination fails to teach or suggest Applicants' claimed invention.

Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 21-28.³

² *Wallent* further fails to disclose that the Web-sites listed within the GUI are accessible via a link on the display. Clearly, the cited passage and Figure 6 do not explicitly or implicitly disclose that the illustrated Web site addresses are something more than mere text.

³ Claims 22-28 depend from, and further limit, independent Claim 21. These claims are allowable for at least the same reasons as the claim from which they depend, discussed above.

Claims 29-38

The Office Action asserts that the limitations of Claims 29-38 are similar to those found in Claims 21-28 and rejects Claims 29-38 based on the same rationale. Therefore, these claims are allowable for at least the same, or similar, reasons as Claims 21-28, discussed above. Accordingly, the Applicants respectfully request withdrawal of the § 103(a) rejection of Claims 29-38.

III. **NEW CLAIM 39**

New Claim 39 has been added. For the same or similar reasons set forth Applicant submits that this claim is allowable over the art of record.

IV. **CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Norte Networks Deposit Account No. 14-1315.

Respectfully submitted,

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